



## Office Of The County Manager

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### **POLICY AND PRICING STRUCTURE FOR WATER SUPPLY CONTRACTS WITH QUALIFIED APPLICANTS UNDER SUMMIT COUNTY'S WATER AUGMENTATION PLAN.**

- I. Applicants desiring to enter into a perpetual contract for an augmentation water supply under the Summit County Augmentation Plan shall document, according to established administrative procedures, that they meet the following conditions and are therefore "Qualified Applicants". The County may enter into a water supply contract with a Qualified Applicant if all of the following criteria are met:
  - A. Applicant owns identified property in Summit County at a location where the contract water could be used for augmentation under the Augmentation Plan.
  - B. In the case of a water supply obtained from a well, an existing or future well on the identified property, is out of compliance with an exempt well permit, or otherwise is ineligible for an exempt well permit from the State Division of Water Resources, because no exemption is available for the Applicant's lot or because of an existing or proposed use of water for an accessory dwelling unit, outside irrigation, domestic livestock watering, non-exempt commercial use, and/or hot tub or pond; and Applicant meets the legal requirements to qualify for a valid non-exempt well permit from the State Division of Water Resources.
  - C. The quantity of water requested is (a) commensurate with the proposed and allowable use of water on the identified property, based on the water use assumptions set forth in the Augmentation Plan, and (b) available under the Augmentation Plan for allotment to the specific property identified. For purposes of implementing these provisions, the County will use its Augmentation Plan accounting system to determine if water is available on a case-by-case basis.
  - D. The uses to be augmented fit one or more of the following uses:
    1. Household-use-only in a single-family dwelling with an accessory dwelling unit.
    2. Use in an individual commercial business with an accessory dwelling unit.
    3. Irrigation of up to 2,500 square feet of landscaping (up to 4,000 square feet for Bill's Ranch residents), that conforms to applicable County Land Use Code at a residence or individual commercial business (according to a rate structure designed to discourage excessive use for this purpose). The use of xeriscaping (landscaping with non-invasive, drought-tolerant species) and drip irrigation is encouraged.
    4. Outside use for watering of domestic livestock up to numbers limited by existing zoning, PUD requirements, and/or restrictive covenants associated with the identified property.
    5. Use in a hot tub no larger than 650 gallons or an unheated pool or pond.

- E. The uses to be augmented are consistent with the County's existing land use approvals and zoning for the identified property.
  - F. The identified property is not currently included in another augmentation plan decreed by the Division 5 Water Court. However, the County may determine, on a case-by-case basis, to enter into contracts for supplemental augmentation water with applicants who are included in another augmentation plan but are out of compliance with the terms of that plan solely because of an accessory dwelling unit. The contract will be limited to replacing depletions from the accessory unit.
  - G. The identified property is not within the boundaries of a municipality or special district, and extension of water service from a municipality or special district cannot be obtained at a reasonable cost.
  - H. The identified property is not subject to covenants or restrictions of record that are inconsistent with the operation of the well or other water facility under the Augmentation Plan.
  - I. Any and all objections to the applicant's proposed use of water under the Augmentation Plan have been resolved to the satisfaction of the County. This provision is intended to address, for example, objections to the application that may be filed (according to the County's established administrative procedures) by adjacent property owners and/or by other governmental entities pursuant to the Decree in Case No. 95CW122.
- II. Pricing and rate structures designed, in part, to discourage excessive irrigation and other highly consumptive uses will be applied to each contract as outlined in Exhibit B.
- III. The Board of County Commissioners authorizes the County Manager to sign water supply contracts for Qualified Applicants in the form to be approved by the Board.
- IV. The term of standard water supply contracts, unless modified by the Board of County Commissioners in a specific case, is in perpetuity. However, failure on the part of the holder of a signed water supply contract to comply with the terms and conditions of the contract will result in the County's termination of the contract. The County may notify all interested parties of the termination, including, but not limited to, the State Division of Water Resources, and may record a notice of such termination in the Office of the Summit County Clerk and Recorder.
- V. Water supply contracts may be assigned to a subsequent owner of the property on which the use of contracted water is approved upon prior written notice to the County.
- VI. The listing of the specific uses in this policy reflect the County's current priorities for uses to be served under its Augmentation Plan, and is not intended to limit the County's operation of its Augmentation Plan for other purposes under the Augmentation Plan Decree. The County reserves the right to enter into other contracts to allow water users in Summit County to operate under the Augmentation Plan. Applications that do not meet the foregoing criteria but that otherwise comply with the decreed Augmentation Plan and applicable statutes and regulations will require specific approval of the Board of County Commissioners.